

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING )  
PHARMACY, INC. PRODUCTS LIABILITY )  
LITIGATION )  
\_\_\_\_\_ )

MDL No. 2419  
Dkt. No 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO: )

All Cases )  
\_\_\_\_\_ )

**The Tennessee Defendants’**  
**Motion for Extension of Time to Respond to**  
**the PSC’s Motion for Entry of ESI and Deposition Protocols**

Saint Thomas Outpatient Neurosurgical Center, LLC; Howell Allen Clinic, a Professional Corporation; John W. Culclasure, MD; Debra V. Schamberg, RN; Specialty Surgery Center, Crossville, PLLC; Kenneth R. Lister, MD; and Kenneth Lister, MD, PC (collectively “the Tennessee Defendants”), with the assent of the Plaintiffs’ Steering Committee (“PSC”), move for an extension of time to March 7, 2014, to file their response to the PSC’s Motion for Entry of Deposition and ESI Protocols [Dkt. 876].

In support of their Motion, the Tennessee Defendants state as follows:

1. The PSC and the Defendants are in the process of narrowing the areas of disagreement regarding the ESI and deposition protocols. The most recent meet and confer occurred on February 25, 2014.
2. The PSC circulated its most recent draft of the proposed ESI protocol on February 28, 2014.
3. The PSC intends to circulate an updated draft of the deposition protocol, but that has not yet occurred.

4. The Tennessee Defendants were unable to evaluate the most recent draft protocols from the PSC and draft a meaningful response prior to the previous response deadline, February 28, 2014.

5. The parties intend to continue to meet and confer regarding the protocols before March 7, 2014. The parties are cautiously optimistic that they will resolve most, if not all, areas of disagreement regarding the protocols.

6. This brief extension will allow the Tennessee Defendants' response to better address the actual areas of disagreement, if any still exist, between the parties' proposals.

7. The PSC assents to this brief extension.

8. The Tennessee Defendants were unable to file this Motion for Extension prior to the February 28, 2014 response deadline, due to technical problems with the Court's CM/ECF filing system.

For the foregoing reasons, the Tennessee Defendants respectfully request, with the assent of the PSC, that the Court extend the deadline for responding to the PSC's Motion for Entry of ESI and Deposition Protocols [Dkt. 876] to March 7, 2014.

Respectfully submitted,

**GIDEON, COOPER & ESSARY, PLC**

/s/ Chris J. Tardio \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing and copies will be e-mailed or mailed via regular U.S. mail to those participants identified as unregistered this 1st day of March, 2014.

/s/ Chris J. Tardio \_\_\_\_\_

**Chris J. Tardio**

<sup>1</sup> Admitted pursuant to MDL Order No. 1.

<sup>2</sup> Admitted *pro hac vice*.